

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. **CV 11-4751-RGK (Ex)** Date July 7, 2011

Title ***CHRISTIAN GONZALEZ v. COSTCO WHOLESALE CORP., et al***

Present: The Honorable R. GARY KLAUSNER, U.S. DISTRICT JUDGE

Sharon L. Williams

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: (IN CHAMBERS) ORDER REMANDING CIVIL ACTION TO  
SUPERIOR COURT**

On June 3, 2011, Costco Wholesale Corp, et al ("Defendants") removed this action from Superior Court for the State of California, County of Los Angeles to the United States District Court for the Central District of California based on diversity jurisdiction. For the following reasons, the Court finds that it does not have jurisdiction over this matter.

A party may remove a matter to federal court based on diversity jurisdiction where no defendant has the same citizenship as any plaintiff, and the amount in controversy exceeds \$75,000. 28 U.S.C. §§ 1332, 1441. Generally, there is a strong presumption against removal jurisdiction, and the defendant "has the burden of establishing that removal is proper." *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992) (citing *Nishimoto v. Federman-Bachrach & Assocs.*, 903 F.2d 709, 712 n. 3) (9th Cir. 1990)).

Plaintiff's Complaint alleges four state claims arising out of alleged wrongful termination, and names Costco Wholesale, Corp., as well as Carlos Arellanos as defendants. According to the Complaint, Arellanos is a citizen of California. In Defendants' Notice of Removal, Defendants do not refute Arellanos's citizenship, or establish that Arellanos is a sham defendant. Instead, Defendants state by declaration only that Plaintiff's claim against Arellanos is without merit. This is insufficient to satisfy Defendants' burden of establishing federal jurisdiction.

In light of the foregoing, the Court hereby **remands** the action for state court for lack of jurisdiction.

**IT IS SO ORDERED.**

Initials of Preparer

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